

Applicant: Goldberg et al.
Application No.: 10/040,999

REMARKS/ARGUMENTS

After the foregoing amendment, claims 1-42 are pending in the application. All of the claims were rejected without the Examiner discussing any specific feature recited in the claims. Furthermore, all of the claims were rejected without the Examiner pointing out any specific feature disclosed by the cited prior art. Claims 1-42 have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicants submit that no new matter has been added to the application by the Amendment.

SUMMARY OF TELEPHONIC INTERVIEW

The Examiner is thanked for clarifying the rejections included in the above-mentioned Office Action during a telephonic interview conducted on April 8, 2003. It was agreed that a response to the Office Action would include a summary of where the claim language is supported in the specification, and how the claimed invention differs from the cited Prior Art. Applicants have made every effort to clarify the claim language in view of the Examiner's comments.

35 USC § 112 REJECTION

Claims 1-42 were rejected under 35 USC § 112 because the "claims are merely expressions of desired results." The claims have been amended to more particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In accordance with claims 1-37, a communication system and method (refer to Fig. 2 and page 7, paragraph 00032 through page 8, paragraph 00035 of the specification) is used to select a payment provider 22 to pay for communications services, such as the provision of a communications link between electronic devices via at least one network (16, 18). Data identifying a plurality of alternative service providers is provided in a calling electronic device 12 using a subscriber identity module (SIM) card 14 which stores the data for future use by the network (see Fig. 3, page 8, paragraph 00038 through page 9, paragraph 00042). When one of the payment providers specified by the data in the SIM card does not authorize payment for establishing a call (i.e., communication service), data associated with another payment provider is automatically retrieved from the SIM card without requiring interaction with a user of the calling electronic device 12. Features recited in the dependent claims are disclosed on pages 7-14 of the specification and shown in Figs. 2-6.

In addition to the features described above, claims 38-42 include a feature whereby the network determines which one of the alternative payment providers identified by data provided in the calling electronic device is most cost-efficient, and contacting the most cost-efficient payment provider to request authorization for payment. This feature is disclosed on pages 11-12 in paragraph 00050 and Fig. 5.

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It is therefore respectfully submitted that the rejection of claims 1-42 under 35 USC § 112 should be withdrawn.

35 USC § 102/103 REJECTION

Claims 1-42 were rejected under 35 USC § 102/103 "as essentially taught by Prior Art cited," which includes U.S. Patent No. 6,154,532 (Lockhart et al.), U.S. Patent No. 6,188,756 (Mashinsky) and U.S. Patent No. 6,438,355 (Syed et al.) The Examiner did not discuss any specific features of the claimed invention or the prior art. In accordance with what was agreed during the telephonic interview conducted on April 8, 2003, the references will now be generally discussed in view of the claimed invention.

The present invention is a communication system and method for selecting a payment provider to pay for a communications service. Data identifying a plurality of alternative service providers is provided in a calling electronic device 12 using a subscriber identity module (SIM) card 14 which stores the data for future use by the network. When one of the payment providers specified by the data in the SIM card does not authorize payment for establishing a call (i.e., communication service), data associated with another payment provider is automatically retrieved from the SIM card without requiring interaction with a user of the calling electronic device 12.

The Lockhart patent discloses a method and device for minimizing telephone charges by not answering the destination telephone when an incoming call is

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detected. Automatic number identification, dialed number identification and telephone type information is used to determine from where and what type of telephone (e.g., coin operated pay phone) the call was originated from and how the call should be handled (terminate call, place a return call, etc.)

The Mashinsky patent discloses a method and device that interrogates the availability of a called party before placing a communication from the calling party to the called party. A determination is made as to which service providers service connections between the calling and called parties. The service providers are then compared based on a criteria and the appropriate service providers are selected.

The Syed patent discloses a method and system for optimizing call routing in a satellite communications network such that a satellite subscriber is properly charged. The satellite network communicates with one or more nodes having adequate programming and data to determine a least expensive route and/or to calculate the cost of the expected/predicted routing.

The prior art cited by the Examiner fails to teach or suggest the claimed invention of a method or system for selecting a payment provider to pay for communication services, wherein a calling electronic device is provided with data therein that identifies a plurality of alternative payment providers accessible by a network that provides such services (e.g., provides a communications link). In accordance with the claimed invention, if one alternative payment provider is unable

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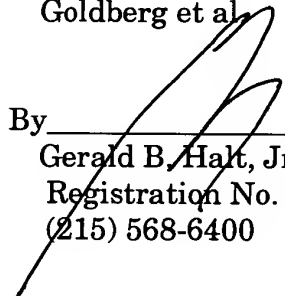
to honor a payment, another payment provider indicated by the data in the calling electronic device is used to make the payment.

It is respectfully submitted that the amendments made and described herein place pending claims 1-42 in condition for allowance. Accordingly, entry of this amendment as well as consideration and allowance of pending claims 1-42 are respectfully requested.

If the Examiner does not believe that the claims are in condition for allowance, the Examiner is respectfully requested to contact the undersigned at 215-568-6400.

Respectfully submitted,

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